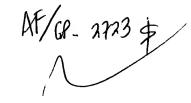


## IN THE U.S. PATENT AND TRADEMARK OFFICE (Docket No. 14136)



In the Application of:	)
ALLAN S. HODGSON et al.	) Examiner: Mehrdad Dastouri
	) Art Unit: 2723
Serial No. 08/879,322	)
Filed: June 20, 1997	
For: MEASUREMENT OF FRUIT	) )
PARTICLES	)

Dear Sir:

In support of the Applicants' appeal from the rejection of the pending claims, Applicants are submitting the following:

- 1. Appellants' Brief (original and three copies);
- 2. Petition for Extension to Time;
- 3. Fee Transmittal for FY 1999 (PTO/SB/17); and
- 4. Check in the amount of \$680 (\$380 for extension for reply within second month and \$300 for filing a brief in support of an appeal)

Respectfully submitted,

Terrence W. McMillin Registration No. 30,476

Attorney for Applicant

October 12, 1999

GERSTMAN, ELLIS & McMILLIN, LTD. 2 North LaSalle Street Suite 2010 Chicago, Illinois 60602 (312) 263-4350

## **CERTIFICATE OF MAILING**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON D.C. 20231, ON October 12, 1999.

REGISTERED ATTORNEY FOR APPLICANT

October 12, 1999 DATE

PTO/SB/17 (12-98)
Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## 'RANSMITTAL

Patent fees are subject to annual revision. Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

TOTAL	<b>AMOUNT</b>	OF	PAYMENT

(\$)	68	ο.	0	(

Complete If Known			
Application Number	S/N 08/879.322		
Filing Date	June 20, 1997		
First Named Inventor	Allan Hodgson et al.		
Examiner Name	Mehrdad Dastouri		
Group / Art Unit	2723		
Attorney Docket No.	14136		

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)		
1. X The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:	3. ADDITIONAL FEES  Large Entity Small Entity Fee Fee Fee Fee Fee Fee Fee Code (\$)  Code (\$)	Fee Paid	
Deposit Account 07-1141	105 130 205 65 Surcharge - late filing fee or oath		
Number Deposit Account Name GERSTMAN, ELLIS & MCMILLII	127 50 227 25 Surcharge - late provisional filing fee or cover sheet.		
Chame Any Additional	139 130 139 130 Non-English specification		
Fee Required Under 37 CFR 1.16 and 1.17	147 2,520 147 2,520 For filing a request for reexamination		
	112 920° 112 920° Requesting publication of SIR prior to Examiner action		
2. X Payment Enclosed: X Check Order Other	113 1,840° 113 1,840° Requesting publication of SIR after Examiner action		
	115 110 215 55 Extension for reply within first month		
FEE CALCULATION	116 380 216 190 Extension for reply within second month	380	
1. BASIC FILING FEE Large Entity Small Entity	117 870 217 435 Extension for reply within third month		
Fee Fee Fee Fee Description	118 1,360 218 680 Extension for reply within fourth month		
Code (\$) Code (\$) Fee Pald  101 760 201 380 Utility filing fee	128 1,850 228 925 Extension for reply within fifth month		
106 310 206 155 Design filing fee	119 300 219 150 Notice of Appeal		
107 480 207 240 Plant filing fee	120 300 220 150 Filing a brief in support of an appeal	300	
108 760 208 380 Reissue filing fee	121 260 221 130 Request for oral hearing		
114 150 214 75 Provisional filing fee	138 1,510 138 1,510 Petition to institute a public use proceeding		
	140 110 240 55 Petition to revive - unavoidable		
SUBTOTAL (1) (\$)	141 1,210 241 605 Petition to revive - unintentional		
2. EXTRA CLAIM FEES	142 1,210 242 605 Utility issue fee (or reissue)		
Fee from Ext <u>ra Claims below Fee Paid</u>	143 430 243 215 Design issue fee		
Total Claims -20** = X =	144 580 244 290 Plant issue fee		
Independent - 3" = X = X	122 130 122 130 Petitions to the Commissioner	0,	
Multiple Dependent	123 50 123 50 Petitions related to provisional applications	( <del>)</del>	
**or number previously paid, if greater, For Reissues, see below	126 240 126 240 Submission of Information Disclosure Stmt	3	
Large Entity Small Entity Fee Fee Fee Fee Fee Description Code (\$) Code (\$)	581 40 581 40 Recording each patent assignment per property (times number of properties)		
103 18 203 9 Claims in excess of 20	146 760 246 380 Filing a submission after final rejection	(7)	
102 78 202 39 Independent claims in excess of 3	(37 CFR 1.129(a)) 149 760 249 380 For each additional invention to be		
104 260 204 130 Multiple dependent claim, if not paid	examined (37 CFR 1.129(b))		
109 78 209 39 ** Reissue independent claims over original patent	Other fee (specify)		
110 18 210 9 ** Reissue claims in excess of 20 and over original patent	Other fee (specify)		
SUBTOTAL (2) (\$)	Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)	680	
SUBMITTED BY Complete (if applicable)			
Typed or			